

REMARKS

Claims 1-79 are now in the application. Claims 21-45 are drawn to the elected invention. Claims 1-20 and 46-79 are drawn to the non-elected invention and may be canceled by the Examiner upon the allowance of the claims directed to the elected invention. The indication that claims 26-30 and 37-44 contain allowable subject matter is hereby noted.

Claims 21-25, 31-37 and 45 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 and 13-15 of US Patent 6,407,146 to Fujita et al.

Claims 21-25, 31-37 and 45 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1, 2, 4-9 and 18-23 of US Patent 6,552,118 to Fujita et al.

The rejections of claims 21-25, 31-37 and 45 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 and 13-15 of US Patent 6,407,146 to Fujita et al. and of claims 21-25, 31-37 and 45 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1, 2, 4-9 and 18-23 of US Patent 6,552,118 to Fujita et al. have been overcome by filing the attached terminal disclaimer.

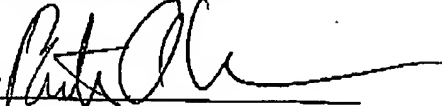
The filing of the terminal disclaimer is not to be construed as an admission, estoppel or acquiescence. See *Quad Environmental Technology v. Union Sanitary District*, 20 USPQ2d 1392 (Fed. Cir. 1991) and *Ortho Pharmaceuticals Corp. v. Smith*, 22 USPQ2d 1119 (Fed. Cir. 1992).

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Attached is a Fee Transmittal for FY 2005 authorizing the Office to charge any necessary fees to Deposit Account 22-0185.

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Respectfully submitted,

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